

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHAEL RHODES,)
Plaintiff,)
)
v.) No. 3:10-CV-351
) (Phillips/Guyton)
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL SECURITY,)
Defendant.)

JUDGMENT ORDER

For the reasons stated in the memorandum opinion filed contemporaneously with this order, the objections to the report and recommendation of the magistrate judge filed by the Commissioner [Doc. 14] are hereby **OVERRULED**. The report and recommendation [Doc. 13] is **ACCEPTED IN WHOLE** under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

IT IS ORDERED, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [Doc. 8] is **GRANTED, as modified**; the defendant Commissioner's motion for summary judgment [Doc. 11] is **DENIED**; and this case is **REMANDED** to the Commissioner for further proceedings consistent with the report and recommendation.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge